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General Assembly

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Sixty-fourth session
Agenda item 70 (a)
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

Letter dated 7 December 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution 60/124 of 15 December 2005, by which the Assembly established the Advisory Group to advise me on the use and impact of the Central Emergency Response Fund. In accordance with the provisions of paragraph 21 of the resolution, I transmit herewith a note on the outcome of the meeting of the Advisory Group held in New York on 2 and 3 November 2009 (see annex).

The note summarizes key points raised during the discussions on both the management of the Fund and its effect on humanitarian operations. It recognized the solid performance and management of the Fund. The Advisory Group also commended the work of the secretariat of the Fund towards finalizing a performance and accountability framework for the Fund, and called for the finalization of an umbrella letter of understanding with the United Nations agencies that receive funding from the Fund. The Advisory Group also reviewed its own terms of reference, and suggested that the Group be expanded to eighteen members, each of whom would serve a single, non-renewable three-year term. A third of the membership would be rotated each year.

I should be grateful if you would bring the present letter and its annex to the attention of the Member States and Observer Missions, of whom 109 have so far contributed to the Fund.

(*Signed*) **BAN** Ki-moon

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Annex

Meeting of the Advisory Group of the Central Emergency Response Fund (2 and 3 November 2009)

Recommendations and conclusions

1. The Advisory Group of the Central Emergency Response Fund was established by the General Assembly in resolution 60/124 of 15 December 2005 to advise the Secretary-General, through the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, on the use and impact of the Fund. The Group's second meeting of 2009 was held in New York on 2 and 3 November, and included six new independent experts who joined the group after being appointed by the Secretary-General in September 2009. The Vice-Chair, Mr. Moazzam Malik (United Kingdom of Great Britain and Northern Ireland), served as Chair in the absence of Ms. Yoka Brandt, who was unable to attend because of pressing obligations.

2. During the meeting, the Emergency Relief Coordinator briefed the Advisory Group regarding the use and management of the Fund in 2009, and led the discussion on the development of a performance and accountability framework for the Fund. The United Nations Controller participated in the session concerning the revisions being made to the Secretary-General's Bulletin and the progress being made in devising an umbrella letter of understanding. The Advisory Group also discussed the recent reviews of the underfunded window and the "life-saving criteria", and reviewed its revised terms of reference and the workplan for the Group's next three meetings.

3. In the light of these discussions, the Group would like to make the following recommendations:

Management

4. The Group encouraged the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs and the Fund secretariat to continue their professional management of the Fund. The Group also endorsed, and offered to assist in, the ongoing implementation of the strategy of the Office for the Coordination of Humanitarian Affairs to mobilize US$ 450 million in resources for the Fund annually, according to the target set by the General Assembly.

Performance and accountability framework

5. The Group welcomed the development of a draft performance and accountability framework for the Fund, which the Group had encouraged the secretariat to formulate at its last meeting. The Group noted that a strong performance and accountability framework was important for both beneficiary countries and donors. The Group recommended that the performance and accountability framework should be linked to the three objectives of the Fund outlined in General Assembly resolution 60/124, namely (1) promoting early action and response to save lives; (2) enhancing response to time-critical requirements based on demonstrable needs; and (3) strengthening core elements of humanitarian response in underfunded crises.

6. The performance and accountability framework should focus on measuring the Fund's added value and its impact on the overall humanitarian response to the overall humanitarian situation in a country, distinguishing the impact of individual projects funded by the Fund only where it is possible and sensible to do so. The performance and accountability framework should be light but robust, and make maximum use of existing agency reporting processes.

7. The Group noted the importance of annual reports submitted by resident/humanitarian coordinators on the use of the Fund at the country level. The Group stressed the importance of these reports being developed through an inclusive process, submitted on time and to a high standard, and asked the Fund secretariat to look again at how best to present a consolidated report drawing on this material.

8. The Group recommended that reporting arrangements should be complemented by independent evaluations in a small number of selected countries to measure the Fund's impact. The Group asked that a pilot evaluation based on one annual report of a resident/humanitarian coordinator should be conducted before the next meeting of the Group in April 2010.

9. The Group encouraged the Fund secretariat to continue its work to develop the performance and accountability framework, and to consult again with the Group via e-mail before the end of the year following additional discussions with humanitarian partners.

Life-saving criteria

10. The Group recommended that the Fund's "life-saving criteria" should continue to be defined as tightly as possible, but that some flexibility should be maintained to take some preventive, time-critical actions, such as the allocation in 2009 to combat locust infestations in Southern Africa. The Group also agreed that some limited coordination costs could be funded in the start-up phase of large-scale emergencies in exceptional cases, but stressed that this must not come at the expense of agency responsibility to mainstream cluster coordination costs and asked that this be kept under close review for a pilot period.

Review of the underfunded window

11. In their discussions on the review of the Fund's underfunded window, the Group noted improvements in the decision-making process and the increased use of quantitative data to support decision-making. The Group requested the Fund secretariat to ensure that underfunded allocations are making an impact, and to avoid giving relatively small allocations to poorly resourced programmes. The Group asked the secretariat to continue its efforts to be as transparent as possible about the methodology and data used in these allocations.

Relationship with non-governmental organizations

12. The Group expressed appreciation for the actions of the Emergency Relief Coordinator to bring the issue of partnerships with non-governmental organizations to the attention of the Inter-Agency Standing Committee. They requested regular updates on the progress of the work currently being led by several United Nations agencies on this issue.

Administrative issues

13. The Group recognized that significant progress had been made to finalize the revised Secretary-General's Bulletin on the Central Emergency Response Fund and on the umbrella letter of understanding. The Group expressed its strong appreciation for the support given by the Controller and his Office to these processes. The Group requested that all possible steps be taken to ensure that the revised Secretary-General's Bulletin would enter into force by 1 January 2010, and that the umbrella letter of understanding would be finalized as soon as possible thereafter. The Group recommended that the Inter-Agency Standing Committee consider whether similar umbrella agreements might be negotiable between United Nations agencies and their non-governmental organization partners.

Terms of reference of the Advisory Group

14. The Group agreed slight revisions to its terms of reference, including an expansion to 18 full members each serving a single three-year term, and the continuation of the policy of rotating a third of the Group's membership each year. The Group asked that the revised terms of reference should be placed on the website of the Office for the Coordination of Humanitarian Affairs.

15. Finally, the Group agreed to investigate the possibility of holding its April 2010 meeting at the field level in a recipient country in order to meet with the affected Government and humanitarian partners, and look more closely at the added value of the Fund.

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Sixty-fourth session
Agenda item 12
The role of diamonds in fuelling conflict

Letter dated 8 December 2009 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

I have the honour, on behalf of the Chair of the Kimberley Process, and pursuant to paragraph 21 of General Assembly resolution 63/134, entitled "The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts", to transmit the 2009 Kimberley Process report (see annex) and to request that the present letter and its annex be circulated as a document of the Assembly under agenda item 12.

(*Signed*) Kaire **Mbuende**
Ambassador
Permanent Representative

09-64142 (E) 101209

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Annex to the letter dated 8 December 2009 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

Report of the Kimberley Process Certification Scheme to the General Assembly for 2009

Submitted by the Republic of Namibia, Chair of the Kimberley Process for 2009

Introduction

1. The Republic of Namibia submits the present report in its capacity as Chair of the Kimberley Process Certification Scheme (KPCS) (see A/57/489) for 2009, pursuant to General Assembly resolution 63/134, in which the Assembly requested the Chair of the Kimberley Process to submit a report to the Assembly at its sixty-fourth session on the implementation of the Process. The report covers developments since submission of the report (A/63/560) prepared by India as Chair for 2008 and up to the issuance of the Swakopmund plenary communiqué dated 5 November 2009. The Swakopmund plenary communiqué is contained in attachment I to the annex. The Kimberley Process could be a model for other extractive industries in that the Process has been able to enhance the participation of and communication between Governments, industry and civil society, all of which play an active and meaningful role in its implementation.

Contribution of the Kimberley Process to international peace and security

2. Since the inception of the KPCS in 2000, there has been a dramatic improvement in the security situation in several diamond-producing countries to which the Process contributed significantly.

3. With regard to concerns relating to diamond smuggling, illicit trade activities and human rights violations in the Marange diamond fields in Zimbabwe, a joint workplan was formulated at the 2009 plenary to urgently improve security at access control points and enhance security of processing and storage areas in order to curb the smuggling of those diamonds.

4. The KPCS continues to implement a multifaceted approach to monitor challenges posed by the Ivorian "conflict diamonds" under the Brussels Initiative and the Moscow Resolution.

Achievements during 2009

5. A joint workplan agreed upon by the Working Group on Monitoring and the Zimbabwe authorities was one of the successful outcomes of the 2009 KP plenary. The two parties agreed to address the specific concerns raised in respect of the situation in Zimbabwe. The joint workplan is aimed at addressing the continuing conflicts within the diamond fields of Marange, in order to enable Zimbabwe to successfully comply with the minimum requirements of the KPCS.

6. The Presidents of the Bolivarian Republic of Venezuela, Brazil and Guyana issued a joint communiqué on 30 October 2009 in which they declared their intention of initiating cooperation with the aim of improving the standards of fiscalization, control and certification of diamonds, in the context of the international efforts to eliminate illicit trade of diamonds and the negative social effects. Brazilian specialists affirmed their willingness to assist the Government of the Bolivarian Republic of Venezuela with training in those fields. The Bolivarian Republic of Venezuela has confirmed its readiness to send high-level officials and specialists to Brazil in order to follow up on the offer.

7. Based on cognizance of the current mandate of the KPCS, amendments to the basic KPCS document and certain other KP documents were proposed, with a view to clarifying the relationship between human rights issues and KPCS implementation.

Tackling conflict diamonds in partnership

8. In accordance with the terms of Security Council resolution 1842 (2008), the KPCS has maintained close cooperation and exchanged information with the United Nations Group of Experts on Côte d'Ivoire. The KPCS Working Group on Monitoring continued to use satellite monitoring technology to monitor illicit rough diamonds production. With regard to regional cooperation, the Working Group on Monitoring welcomed efforts of "the friends of Côte d'Ivoire" to promote specific actions. The KP noted that Council resolution 1893 (2009) had renewed the measures preventing the importation of rough diamonds from Côte d'Ivoire (para. 1).

9. In 2008-2009, Belgium funded the footprinting of the KP data project. The project aims at improving the quality of the statistical analysis of KP data in order to quickly identify statistical anomalies, and develop an adequate statistical filtering methodology, as well as a regional analysis of statistical KP data for the regions of West Africa, Central Africa and South America so as to enhance KP implementation in those regions.

Participation: a more inclusive Kimberley Process

10. The KP is open, on a non-discriminatory basis, to admitting all countries and regional economic integration organizations that are willing and able to meet the minimum requirements of the KPCS. The KP received applications for membership from Kenya and Swaziland which are yet to be decided upon. As of 5 November 2009, the KPCS had 49 members, including the European Community as a single Participant representing its 27 member States. Outreach for joining the KPCS has been undertaken to Algeria, Bahrain, Burkina Faso, Cameroon, Cape Verde, Chile, Egypt, Gabon, Kuwait, Mali, the Niger, Panama, Peru, the Philippines, Qatar, Tunisia and Uganda. Egypt and Mozambique attended the plenary and indicated their interest in joining the KP.

11. A suggestion was made regarding the development of a mechanism that might allow countries with low-volume diamonds to trade without compromising the KPCS minimum standards. The KP reaffirmed the importance of the tripartite nature of the Kimberley Process, and recognized that all participants and observers must

have free and unfettered access to and be assured of participation in all the plenary and intersessional meetings, as well as activities on the margins of the meetings.

Monitoring and peer review: a vital tool for improving effectiveness

12. The system of peer review visits, whose operationalization is one of the core objectives of the Working Group on Monitoring, is an important tool for improving effectiveness and ensuring that KP Participants identify and resolve implementation issues, and for helping to ensure that best practices in KP-related developments are shared. A second round of visits were carried out to review KPCS implementation in the diamond producing and trading countries of the European Community, the Democratic Republic of the Congo, Turkey, Liberia, Sierra Leone and Angola.

13. In 2009, a review mission to Zimbabwe was carried out. The objective of the mission was to cover the full range of issues set forth in the mandate, which focused on the overall compliance by Zimbabwe with the minimum requirements of the KPCS as well as assessment of the situation in and around the Marange diamond fields. The review mission established that, although certain operations and processes appear to continue to function in a manner consistent with KPCS minimum requirements, there are indications of non-compliance with the KPCS in a number of areas, pertaining primarily to the situation at Marange. The recommendations of the review mission led to the adoption of a joint workplan developed by Zimbabwe and the KPCS to address the shortcomings. The joint workplan is to be supported by technical assistance from Participants and observers in the KPCS.

14. The Working Group on Monitoring continues to monitor the implementation of the 2007 Brussels Initiative on Côte d'Ivoire and the 2005 Moscow Resolution, and maintains close cooperation with the United Nations as well as a technical dialogue with Ivorian authorities. The Working Group also held discussions on proposals to clarify the relationship between the implementation of the Kimberley Process and human rights.

Statistics

15. A new KP rough diamond statistics system was launched as a means of containing the flow of conflict diamonds into the legitimate market and as a regular source of information on KPCS implementation. The system has built-in security measures to prevent unauthorized access, as well as to implement quality edit checks and controls to ensure data consistency during the data entry phase. Participants have been issued a new user name and password for the new website. The annual reports have been received by all 49 Participants and revised statistics for 2004 through 2008 have been posted on the Participants-only site.

16. Within the Participants-only website, the database now includes statistical information from 2003 through the first half of 2009 as submitted by Participants. The 2008 summary statistics and charts were also posted on the public website at the end of July 2009. All 48 annual statistical analyses were prepared for the 2008 statistics. The analysis for Mexico was not required since Mexico had joined the KPCS only in November 2008, and there was no trade/production information for Mexico during the last part of the fourth quarter of the 2008 statistical period.

Statistical analysis for Côte d'Ivoire was also not required since official trade/production was not authorized. Thirty-one of the 48 Participants have responded to the questions or observations raised in their annual statistical analyses.

Technical assistance

17. Technical assistance from various Participants and organizations remains key to enhancing full KP implementation, to improving data-collection and reporting capabilities of the import/export national authorities and to assisting all KPCS working groups or review missions/visits that have been assigned to perform tasks within the framework of the KPCS. The European Community continues to provide technical advisers to Liberia to help that country comply with recommendations made by the KP review teams after their visits there in 2008 and 2009. Ghana has also received technical assistance from the European Community with respect to characterization of diamonds, registration of illegal miners, registration of traders and establishment of trading procedures. South Africa provided assistance to a prospective KPCS participant with regard to its becoming a participant and smoothing its implementation of the minimum requirements of the KPCS.

18. In 2009, Kimberley Process Participants and private organizations continued to provide technical and development assistance to various diamond-producing countries to strengthen KP implementation and address related issues. Projects encompassed providing advisers to Governments of diamond-producing countries, mining production estimates, efforts to establish property rights, and research on artisanal mining. The United States Geological Survey (USGS) was completing a database related to diamond production and exports; the Survey is also nearing completion of a geological assessment of diamond production capacity in selected diamondiferous areas in Ghana and will provide geological technical training in Ghana thereafter, possibly in early 2010. The United States Agency for International Development, through its contractor Associates in Rural Development (ARD), continues to implement its project under way in the Central African Republic.

19. The Diamond Development Initiative (DDI) is developing practical standards and guidelines for companies and development organizations working in artisanal diamond mining areas. The Initiative aims to address the poverty and insecurity issues associated with artisanal diamond mining. Belgium has earmarked financial support for the Guyana study conducted by the Diamond Development Initiative International (DDII).

Technical issues and traceability

20. The Working Group of Diamond Experts (WGDE) has been tasked by the Moscow Resolution (2005) and the Brussels Initiative (2007) to calculate the possible diamond production of Côte d'Ivoire on a yearly basis for two diamondiferous regions in northern Côte d'Ivoire; and to study the characteristics of diamonds produced in West Africa, and assist with their identification by developing footprints for the different diamond productions in order to stop Côte d'Ivoire diamonds from being mixed with other productions.

21. In follow-up to the Moscow Resolution/Brussels Initiative, the production estimates of Côte d'Ivoire have been partly based on satellite imagery in

collaboration with the European Commission-Joint Research Centre (JRC), the United States Geological Survey and the United Nations Operation in Côte d'Ivoire Embargo Cell and Force Licorne with their monthly observations (helicopter and ground). On the specific request of the United Nations Group of Experts, the Chair of the Working Group of Diamond Experts joined a reconnaissance mission to investigate indications of increased production. During the course of 2009, the World Diamond Council trained staff to take digital photographs of all rough diamond exports in order to depict their origin, pending the production of footprints by the Working Group.

Artisanal/alluvial production: a crucial issue for the Kimberley Process

22. The Working Group on Artisanal and Alluvial Production (WGAAP) aims to promote more effective internal controls on the production and trade of alluvial diamonds. This will ensure that only diamonds produced and traded in accordance with national legislation and KPCS standards are exported and polished locally. Artisanal diamond producers and miners are constantly being confronted with significant developmental challenges that are an obstacle to the effective implementation of the KPCS on the ground.

23. As a follow-up, in 2009, the Working Group on Artisanal and Alluvial Production analysed the progress achieved under the action plan by the artisanal/alluvial countries, with discussions held on the issues linked to diamonds for development, and encouraged the producing countries through the relevant entities to promote national policy and debate legislation reforms in order to contribute to poverty reduction, improvement of social conditions in the diamond artisanal/alluvial community and the development of the region where the diamonds are mined.

Civil society: different voices at the table

24. The KP continues to maintain its tripartite nature through the constant engagement and involvements of Governments, industry, civil society and the World Diamond Council with the KP Working Group Chairs. To reflect the true nature of this relationship, civil society organizations are involved in the annual reporting process at the national level and make proposals on various means of KPCS implementation. Civil society has also taken up researching a proposal on the scope and structure of data collection in cutting/polishing centres. Global Witness is leading the survey on this initiative. The World Diamond Council joined forces with civil society in calling on Governments to renew and strengthen their commitment to the Kimberley Process. Civil society organizations introduced a proposal to amend the basic KPCS document and certain other KP documents with a view to clarifying the relationship between human rights and KPCS implementation. The Working Group on Monitoring will pursue the examination of those proposals.

Cooperation with international organizations

25. The Kimberley Process recognizes that cooperation with the United Nations is paramount and is committed to facilitating the timely sharing of information whenever possible. An administrative decision on sharing information with the

United Nations was taken with a view to establishing the procedures through which the Working Groups may share KPCS information with United Nations groups of experts and other bodies within the United Nations system dealing with KPCS-related issues. The technical assistance coordinator has been engaging with various organizations such the United Nations Development Programme (UNDP), the United States Agency for International Development and the World Bank.

Future challenges

26. The Kimberley Process has made significant strides in the fulfilment of its mandate. However, it still faces daunting challenges. In this regard, continued efforts by the Governments, working groups, industry and civil society are necessary to maintain and strengthen the system through implementation. The KP hopes to continue providing technical assistance to current and new Participants, and to determine what analyses are worth doing and in what new directions overall analysis should move. The KPCS also hopes to assess data quality and compile a best practices document on KPCS data submission and to deal with any new data variables that may be required within the KPCS and build useful historical time series.

27. KP Participants have occasionally been confronted with the appearance of fraudulent KP certificates. This in itself poses a threat and a challenge for the KP. However, the KP Chair and the Working Group on Monitoring have served as points of coordination between Participants and provided support for exchange of information and identification of fraudulent certificates thus far. The KP has outlined measures that would enhance the detection and identification of fraudulent certificates for all Participants.

28. Increases in Internet sales and postal shipments have become issues of concern, as it has proved difficult to track and reconcile rough diamond shipments via the Internet or postal service. KP certificates are thus not being received by customs through these transactions. Internet and postal sales will adversely impact the quality of statistics of Participants and their trading partners.

29. Israel, the Vice-Chair for 2009, will succeed Namibia as KP Chair, with effect from 1 January 2010, and the Democratic Republic of the Congo will serve as KP Vice-Chair during 2010.

Attachment I

Communiqué of the Kimberley Process plenary session, 5 November 2009, Swakopmund, Namibia

1. The seventh annual plenary session of the Kimberley Process Certification Scheme (KPCS) was held at Swakopmund, Namibia, from 2 to 5 November 2009. It was attended by 37 Participants. The World Diamond Council delegation and civil society attended the plenary as observers. The non-participating Governments of Egypt, Swaziland, Kenya and Mozambique, which are desirous of joining KPCS as Participants, were also present.

2. The total number of Participants in the KP now stands at 49, representing 75 countries (including 27 members of the European Union represented by the European Commission). The plenary noted that the Participation Committee (PC) had discussed the status of KPCS outreach to countries desirous of joining the KPCS, namely, Algeria, Bahrain, Burkina Faso, Cameroon, Cape Verde, Chile, Egypt, Gabon, Kenya, Kuwait, Mali, Mozambique, the Niger, Panama, Peru, the Philippines, Qatar, Swaziland, Tunisia and Uganda, and agreed to continue its efforts to encourage these countries to join the KPCS. The Participation Committee also discussed, in particular, the status of the applications of Kenya and Swaziland.

3. The plenary noted, as informed by the Chair of the Working Group on Statistics that the Trade and Kimberley Process Certificate Counts Statistics for the first quarter of 2009 have been submitted by all the Participants.

4. The plenary noted that the Participation Committee has requested the KP Chair to request a report from the Chairs of other KPCS Working Groups on their engagement with the Bolivarian Republic of Venezuela in assisting that country in developing a plan of action to implement KP minimum standards. The Participation Committee for its part has committed to providing all possible assistance, within the KP mandate, to the Bolivarian Republic of Venezuela in developing this plan of action and, eventually, to fully reintegrating the country into the KPCS.

5. The plenary noted that a sub-group of the Participation Committee has made enquiries about the difficulties facing potential applicants. The responses have been summarized in the form of a report in order to provide a basis for further action. The report requests the KP Chair to take the three steps suggested therein to encourage resolution of the problems identified in the report.

6. The plenary welcomed submission of annual reports on KPCS implementation by all 49 Participants, in full compliance with KPCS requirements, and encouraged the Participants to actively contribute to the annual reporting process as the main comprehensive and regular source of information on KPCS implementation.

7. The plenary supported the efforts of the Working Group on Monitoring to strengthen import confirmation requirements and examine the compliance of cross-border Internet sales with KPCS requirements, and took note of the creation of a team of technical experts mandated to research these issues. The plenary notes that further discussions are required regarding the involvement of civil society organizations and the diamond industry in the annual reporting process at national level, with a view to reflecting the KP tripartite structure at the Participants level.

8. The plenary considered reports of review visits to a number of diamond producing countries (Angola, the Democratic Republic of the Congo, Liberia and Sierra Leone) as well as trading centres (the European Community and Turkey) conducted in 2009 and welcomed the commitment of those countries to continue to open their certification systems to reviews and improvements.

9. The plenary noted plans to conduct review visits to Bangladesh, Belarus, Canada, India, Namibia, New Zealand, South Africa and the United States of America, and thanked Botswana and Lesotho for extending invitations for KP review visits.

10. The plenary adopted an Administrative Decision on Cooperation pertaining to KP implementation and enforcement in order to enhance KP capacity and provide guidance to national authorities on addressing specific enforcement issues such as fraudulent certificates, shipments of suspicious origin and exchange of information in cases of infringements.

11. The plenary took note of continued monitoring of the situation in Côte d'Ivoire in light of the reports of the United Nations Group of Experts and Working Group on Monitoring satellite imagery, and noted with concern indications of increasing diamond mining activity in northern Côte d'Ivoire and the continuing infiltration of such production into the legitimate trade in diamonds. The Working Group on Monitoring discussed further collaboration with the United Nations Group of Experts under Security Council resolution 1893 (2009), including prospects for a KP visit to Côte d'Ivoire, and liaised with representatives of Côte d'Ivoire in response to their report to plenary and their request to the KP to assist in preparations for future certification. The plenary took note of plans for the Working Group on Monitoring and the Working Group of Diamonds Experts to further collaborate towards enhancing implementation of vigilance requirements, making use of the Working Group of Diamonds Experts footprint of Ivorian diamonds, in order to protect the legitimate diamond trade.

12. The plenary agreed that further efforts should be made to strengthen KPCS implementation in West Africa and adopted a decision on the strengthening of the internal controls of Guinea and assessment of that country's production capacity. The plenary welcomed the commitment of Guinea to cooperate with the Working Group on Monitoring and the Working Group of Diamonds Experts in this effort, and also appreciated the commitment of Liberia to hosting a regional meeting to foster regional cooperation. The plenary appreciated the continued efforts of Ghana to strengthen internal controls and prevent infiltration of illicit Ivorian diamonds, and mandated the Working Group on Monitoring and the Working Group of Diamonds Experts to enter into dialogue with Ghana, with a view to revising the arrangements applicable to its exports.

13. The plenary adopted an Administrative Decision on the state of compliance with the minimum requirements of the KPCS in Zimbabwe, also adopting a joint workplan for implementing the recommendations of the review mission to Zimbabwe, which was conducted from 30 June to 4 July 2009. The review mission had found "credible indications of significant non-compliance with the minimum requirements of the KPCS" by Zimbabwe.

14. The plenary welcomed the commitment of Zimbabwe to urgently begin implementation of the joint workplan and called upon Participants to support this

plan, including the provision of technical assistance. The plenary recalled that, parallel to actions aiming at ensuring compliance with KPCS implementation in Zimbabwe, Participants are required to intensify regional cooperation as well as to apply vigilance measures (using the KP guidance and the footprint of Marange diamonds) to contain illicit trade of Marange diamonds. The plenary requested the KP Chair to further monitor and support implementation of those measures.

15. The plenary took note of ongoing discussions in the Working Group on Monitoring on a revised proposal from civil society on the subject of human rights in the diamond sector.

16. The plenary approved the application of Australia for membership in the Working Group on Monitoring. The plenary acknowledged the applications of Zimbabwe and Mexico for membership in the Working Group on Statistics.

17. The plenary noted that all Participants had submitted the required statistical data for 2008. All statistics for the second quarter/first half of 2009 for the Democratic Republic of the Congo and the Congo are available. These data will be processed in the new KP rough diamond statistics website after 9 November 2009. Only two Participants had submitted incomplete statistical data for the second quarter and first half of 2009, Indonesia (trade/KP certificate counts) and the Bolivarian Republic of Venezuela (production).

18. The plenary noted that the Working Group on Statistics had discussed issues having to do with the low response rate to the annual statistical analyses. For 2008 statistics, the response rate was 64.6 per cent (17 Participants have yet to respond). The Group brainstormed on processes for handling future annual statistical analyses and agreed that the subject needs to be discussed further within the Working Group on Statistics. Although there is no procedure in place to require responses from Participants, it is nevertheless important for the integrity of the data and the overall process, as well as the work of the Working Group on Statistics, for Participants to take the time to review the analyses and answer any questions or observations raised by the reviewer.

19. The plenary noted that the Working Group on Artisanal and Alluvial Production (WGAAP) analysed the progress achieved under the action plan by the artisanal alluvial diamond producing countries and shared information on the impact of the global financial crisis and economic recession, namely, the economic and social consequences and their impacts on internal controls.

20. The plenary noted discussions by the Working Group on Artisanal and Alluvial Production on the link between diamonds and development. The Working Group, in its discussions, encouraged diamond producing countries to promote debate on the subject, as well as to draft policies and enact legislative reforms in order to ensure that diamonds contribute towards poverty reduction, socio-economic upliftment, and development of the places where diamonds are being mined. A translation into French of the results of the Egmont Institute study on artisanal diamond mining was presented, and a follow-up study, focusing on Angola and Liberia (and neighbouring countries), was presented to the group.

21. The plenary noted the World Bank's offer to extend two types of assistance: (a) one type through the Communities and Small-scale Mining (CASM) network; and the other through World Bank projects providing financial and technical assistance to KP Participants.

22. The plenary took note of the footprint work conducted by the Working Group of Diamonds Experts in respect of Ghana, Guinea and the Marange diamond fields in Zimbabwe. The Working Group presented an enhanced statistical analysis methodology based on the comparison of the production and export footprint for West African diamond producing countries, to be incorporated in the work of the Working Group on Statistics.

23. The plenary was also informed of the progress made in amending the Explanatory Notes of the relevant Harmonized System (HS)-codes. Work on the Valuation Data Matrix is progressing; however, the financial crisis is negatively impacting this work, owing to increased price volatility.

24. The plenary adopted important changes to the terms of reference of the Working Group of Diamonds Experts, incorporating the mandate received through Security Council resolution 1893 (2009) on Côte d'Ivoire to coordinate research on improving the diamond footprint of Côte d'Ivoire. In order to accomplish this important task, the plenary adopted the creation of a scientific Subgroup on Characterization and Identification of Rough Diamonds, operating under the Working Group of Diamonds Experts. The plenary also welcomed the Democratic Republic of the Congo as a new member of the Working Group. The plenary has acknowledged that Ghana has expressed interest in joining the Working Group.

25. The Committee on Rules and Procedures completed the Administrative Decisions on "Participation of observers in the work of the Kimberley Process" and "Sharing information with the United Nations". These documents were endorsed by the plenary.

26. The Committee on Rules and Procedures recognized the importance of continuing the work of articulating and improving the Kimberley Process rules. This will strengthen the effectiveness of the Kimberley Process. The Committee will hold discussions to set the future work agenda and move forward on consideration of a document on the hierarchy of the documents adopted by the Kimberley Process.

27. The plenary approved the application of India for membership in the Committee on Rules and Procedures.

28. The plenary reaffirmed the importance of the tripartite nature of the Kimberley Process, and recognized that all Participants and observers must have free and unfettered access to and be assured of participation in all the plenary and intersessional meetings, as well as activities on the margins of the meetings.

29. The plenary thanked Namibia for hosting this plenary session and expressed appreciation for the hospitality extended to the delegates.

30. The plenary welcomed Namibia as the incoming Chair of the Participation Committee for 2010.

31. The plenary welcomed the election of Israel as the new Chair for the year 2010, and the Democratic Republic of the Congo as the Vice-Chair for 2010.

Attachment II

List of Kimberley Process Participants as at 5 November 2009

States and regional economic integration organizations that have met the minimum requirements of the Kimberley Process Certification Scheme

1. Angola
2. Armenia
3. Australia
4. Bangladesh
5. Belarus
6. Botswana
7. Brazil
8. Canada
9. Central African Republic
10. China
11. Congo (Democratic Republic of the)
12. Côte d'Ivoire[a]
13. Croatia
14. European Community
15. Ghana
16. Guinea
17. Guyana
18. India
19. Indonesia
20. Israel
21. Japan
22. Korea (Republic of)
23. Lao People's Democratic Republic
24. Lebanon
25. Lesotho
26. Liberia
27. Malaysia
28. Mauritius
29. Mexico
30. Namibia
31. New Zealand
32. Norway
33. Russian Federation
34. Republic of the Congo
35. Sierra Leone
36. Singapore
37. South Africa
38. Sri Lanka
39. Switzerland
40. Tanzania (United Republic of)
41. Thailand
42. Togo
43. Turkey
44. Ukraine
45. United Arab Emirates
46. United States of America
47. Venezuela (Bolivarian Republic of)[b]
48. Viet Nam
49. Zimbabwe

Note: The rough diamond-trading entity of Taipei, China, has also met the minimum requirements of the KPCS.

[a] Côte d'Ivoire is currently under United Nations sanctions and is not trading in rough diamonds.

[b] The Bolivarian Republic of Venezuela has voluntarily suspended exports and imports of rough diamonds until further notice.

Attachment III

Composition of the Kimberley Process Secretariat and KP Working Groups as at 5 November 2009

(a) Chair and Secretariat (Namibia)

Bernhard M. Esau (Chairman, 2009)

Kennedy Hamutenya

Cecilie Mbundu

Shangelao Ndadi

Violette Mureko

Vicky Dan

Edison Tjikune

(b) Subsidiary bodies

I. Working Group on Monitoring

Chairman: Stéphane Chardon (European Community)

Assistant: Israel

Members: Australia, Botswana, Canada, Central African Republic, China, Democratic Republic of the Congo, European Community, India, Israel, Russian Federation, South Africa, United Arab Emirates, United States of America, World Diamond Council, Global Witness and Partnership Africa Canada

II. Working Group on Statistics

Chairman: Kelly Phou (United States of America)

Assistant: Botswana

Members: Angola, Canada, China, Democratic Republic of the Congo, European Community, India, Israel, Mexico, Russian Federation, South Africa, Switzerland, United Arab Emirates, United States of America, Zimbabwe, World Diamond Council, Partnership Africa Canada and Global Witness

III. Working Group of Diamond Experts (Technical Working Group)

Chairman: Mark Van Bockstael (World Diamond Council)

Assistant: South Africa

Members: Angola, Australia, Botswana, Canada, China, European Community, India, Israel, Russian Federation, South Africa, United Arab Emirates, United States of America, World Diamond Council

IV. Participation Committee

Chairman: Anil Mukim (India)

Members: Angola, Botswana, Canada, China, European Community, Israel, Russian Federation, South Africa, United States of America, World Diamond Council, Partnership Africa Canada and Global Witness

V. Committee on Rules and Procedures

Chairman: Andrey Kutepov (Russian Federation)

Members: Angola, Botswana, Canada, China, European Community, India, Israel, Russian Federation, South Africa, Switzerland, United States of America, World Diamond Council, Partnership Africa Canada and Global Witness

VI. Working Group on Artisanal and Alluvial Production

Chairman: Paulo Mvika (Angola)

Regional Coordinators: Sierra Leone (West Africa), Democratic Republic of the Congo (Central and Southern Africa), Brazil (Latin America)

Members and observers: Brazil, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Guinea, Guyana, Namibia, Sierra Leone, South Africa, Tanzania (United Republic of), Togo, Venezuela (Bolivarian Republic of), Zimbabwe, European Community, Russian Federation, World Diamond Council, Partnership Africa Canada and Global Witness

United Nations A/64/560–S/2009/630

General Assembly
Security Council

Distr.: General
9 December 2009

Original: English

General Assembly
Sixty-fourth session
Agenda item 14
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-fourth year

Identical letters dated 8 December 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I would like to focus your attention on yet another attempt to undermine the territorial integrity of Georgia and its sovereignty over the region of Abkhazia, Georgia, currently under Russian military occupation.

On 28 September 2009, Russia assigned its telephone codes to the occupied territory, in direct breach of the national legislation of Georgia and of international norms. The codes assigned are "7-840" for fixed lines and "7-940" for mobile users. Allow me to remind you that the dialling code "7" is the national country dialling code for Russia, which may not be used in or assigned to a part of a territory of another sovereign country, without the consent of the latter's Government.

Russia's unilateral and illegal decision to assign its dialling codes to a Georgian territory contravenes the fundamental standards and regulations of the International Telecommunication Union, in particular, its Recommendations E.212 and E.164.

This latest move by Russia represents a continuation of its policy aimed at undermining the sovereignty of Georgia over its region of Abkhazia using a variety of means, including the illegal use of its resources, air space and sea.

The Russian GSM operators, which are present on the occupied territory, have been operating in complete breach of the laws of Georgia regulating this type of activity. Specifically, they are not registered and have not been issued a licence by the national regulator, the Georgian National Communication Commission. The operators are using MCC and NMC codes (282-67 and 289-67 respectively), which are not provided by the Georgian National Communication Commission and are not registered with the International Telecommunication Union.

Georgia has already asked the International Telecommunication Union to take all appropriate measures to prevent Russia's illegal action.

Please recycle

I should be grateful if the present letter could be circulated as a document of the General Assembly at its sixty-fourth session, under agenda item 14 "Protracted conflicts in the GUAM area and their implications for international peace, security and development".

(*Signed*) Alexander **Lomaia**
Permanent Representative

United Nations A/64/561–S/2009/632

General Assembly
Security Council

Distr.: General
9 December 2009

Original: English

General Assembly
Sixty-fourth session
Agenda item 96
General and complete disarmament

Security Council
Sixty-fourth year

Letter dated 8 December 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

On behalf of my delegation, I have the honour to transmit herewith the statement by Mr. Victor Yushchenko, President of Ukraine, on the occasion of the fifteenth anniversary of the Budapest Memorandum (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 96, and of the Security Council.

(*Signed*) Yuriy **Sergeyev**
Ambassador
Permanent Representative

09-64311 (E) 141209

Please recycle

Annex to the letter dated 8 December 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Statement by Mr. Victor Yushchenko, President of Ukraine, on the occasion of the fifteenth anniversary of the Budapest Memorandum

Today we mark the fifteenth anniversary of the Budapest Memorandum, which provided national security assurances to Ukraine on behalf of the United States, the Russian Federation and Great Britain. Later, China and France joined its provisions in the form of individual statements.

This document is unique, because the guarantees were provided to Ukraine as a nation that voluntarily forswore its nuclear arsenal. The Budapest Memorandum was signed right before the adoption by the Verkhovna Rada of its historic decision on Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State and — as a successor to the Union of Soviet Socialist Republics — to the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I), which is expiring today.

Let me recall that 1,950 units of strategic nuclear weapons and 2,883 units of tactical nuclear weapons were deployed on the territory of Ukraine at that time. It was the third-largest nuclear and missile arsenal in the world, more powerful than the nuclear forces of Great Britain, France and China combined.

During the last 15 years, Ukraine has not only been an exemplary nation that has voluntarily forsworn its nuclear weapons and entrusted its national security to the international community, but has also been taking an active part in strengthening strategic stability.

The world of today is rapidly changing, and we have to acknowledge that since the signing of the Budapest Memorandum it has not become safer. Unfortunately, not all States have refrained from using force to secure their foreign policy and economic interests. We observe dangerous trends in the field of the proliferation of weapons of mass destruction. In fact, the number of nuclear nations across the globe has increased.

Europe is still divided into blocs, while Ukraine remains the largest European nation which is not party to any military and political alliances. Lying between two defence alliances — the North Atlantic Treaty Organization and the Collective Security Treaty Organization — we perceive ourselves increasingly as a territory which has been assigned the role of a boundary land.

In spite of these circumstances, Ukraine remains committed to the principles of peaceful coexistence. Aspiring to become an integral part of the European security space, we have clearly defined Euro-Atlantic integration as our strategic priority.

The growing complexity of the global and European security architecture requires that Ukraine take effective steps to strengthen existing international security guarantees.

It is imperative to develop a new international legal instrument, as a follow-up to the Budapest Memorandum, which would respond to new challenges to the national security of Ukraine.

We are aware that this goal can be achieved only together with those countries which 15 years ago committed to fully guaranteeing Ukraine's national security as a fundamental prerequisite for the future development of our independent country.

Guided by these arguments, I addressed the leaders of the five nuclear nations — China, France, Great Britain, the Russian Federation and the United States of America — with the proposal to hold negotiations with a view to reconfirming and enhancing the existing security guarantees to Ukraine. We hope that this legitimate request of a nation which, by its own example, has proved to the world the reality of global nuclear disarmament, will be heard and supported.

Celebrating today the historic role played by the Budapest Memorandum in ensuring global and regional stability, we wish to recall once again our right to count on an effective collective approach towards Ukraine by the guarantor States, which has to be spelled out in a respective multilateral document.

We believe that such a step will not only serve as a factor to balance the security environment at our borders, but also enable us to eliminate the remnants of dividing lines on the European continent, becoming a reliable instrument for Ukraine's development as a peaceful, stable, prosperous and free nation in the heart of Europe.

United Nations A/64/562

General Assembly

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Sixty-fourth session
Agenda items 131 and 132

Programme budget for the biennium 2008-2009

Proposed programme budget for the biennium 2010-2011

Limited budgetary discretion

Report of the Secretary-General

Summary

The General Assembly, in section III of its resolution 60/283, decided to authorize the Secretary-General, on an experimental basis, a limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, to enter into commitments up to 20 million United States dollars in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities. In accordance with the provisions of paragraph 8 of that resolution, it was expected that such discretion would be implemented in accordance with a number of defined principles.

In line with paragraph 10 of resolution 60/283, the Secretary-General was requested to submit to the General Assembly, at its sixty-fourth session, a comprehensive report on the implementation of the experiment to enable the Assembly to review and take a final decision on its continuation. The present report is submitted in response to that request.

It is the proposal of the Secretary-General to continue the limited discretionary provision as an established procedure with some modifications.

09-64266 (E) 111209

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I. Introduction

1. Following the adoption of the 2005 World Summit Outcome (resolution 60/1) and the reaffirmation by the General Assembly of the role of the Secretary-General as the chief administrative officer of the Organization, in accordance with Article 97 of the Charter of the United Nations, the Assembly requested him to make proposals for its consideration on the conditions and measures necessary for him to effectively carry out his managerial responsibilities. A number of reform proposals had been put forward for consideration by the Assembly, including proposals to make more efficient use of the financial and human resources available to the Organization, and thus better comply with its principles, objectives and mandates.

2. In this regard, the General Assembly decided, in section III of its resolution 60/283, to authorize the Secretary-General, on an experimental basis, a limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, to enter into commitments up to 20 million United States dollars ($) in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities, subject to defined principles as articulated in paragraph 8 of the same resolution.

3. This discretion has been utilized by the Secretary-General over the course of the bienniums 2006-2007 and 2008-2009 and its use has been reported to the General Assembly through the Advisory Committee on Administrative and Budgetary Questions, as required by the Assembly in paragraph 9 of its resolution 60/283 in the context of the first and second performance reports.

4. In response to the request of the General Assembly for a report on the experience on the application of limited budgetary discretion, the present report addresses the specific issues raised by the Assembly and puts forward a case for its continuation in a modified form.

II. Limited budgetary discretion

A. Background to approval of the provision

5. In paragraph 11 of its resolution 60/246, the General Assembly recognized the need for limited discretion in budgetary implementation for the Secretary-General, within defined parameters to be agreed by the General Assembly along with clear accountability mechanisms to the Assembly for its use.

6. In this regard, in section III of its resolution 60/283, the General Assembly authorized the Secretary-General to use a limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, as described in paragraph 2 above.

7. The premise of the authorization was that such limited discretion would be financed through offset by savings identified and attained, including through the efficient use and assignment of resources, during the course of each biennium within the authorized appropriation level, as reported in the performance reports.

Implementation was expected to be in accordance with nine specific principles as detailed in the resolution, namely:

(a) The experiment would not be utilized for unforeseen and extraordinary expenses authorized in respect of the maintenance of peace and security;

(b) The experiment would not imply any changes in the human resources management policies of the Organization;

(c) The proposed programme budget would remain the principal instrument in which the Secretary-General sets out the resources and staffing requirements of the Organization, including the requirements for all reform proposals as agreed by Member States;

(d) The experiment would in no way prevent the Secretary-General from requesting additional posts during the course of the experiment;

(e) The experiment would not be implemented in pursuance of General Assembly resolutions calling for the implementation of decisions "within existing resources";

(f) The experiment would not imply any changes to the provisions guiding the use of the contingency fund;

(g) The utilization of authorization would be exercised with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions when the total amount is in excess of 6 million dollars per biennium;

(h) The experiment would not alter the priorities of the Organization as agreed by the General Assembly;

(i) The utilization of the funds provided for under the experiment would be subject to the Financial Regulations and Rules of the United Nations.

B. Utilization of the provision in 2006-2007 and 2008-2009

8. As required by the General Assembly in resolution 60/283, the use of the limited budgetary discretion granted to the Secretary-General has been reported on in the context of the first and second performance reports for the respective bienniums. In the case of the biennium 2006-2007, however, owing to the need to establish the criteria for defining evolving needs, consistent with the principles set out in resolution 60/283, no use was made of the facility during 2006. This was explained in the context of the first performance report for the biennium 2006-2007 (A/61/593). The modalities for the use of the limited budgetary discretion are described in the annex to the present report.

9. In 2007, with the establishment of the modalities, there were a number of instances in which there was recourse to the limited discretion provisions. These were detailed in the second performance report for the biennium 2006-2007 (A/62/575, paras. 33 to 38). Notably, budgetary requirements were provided in two specific instances:

(a) An amount of $5.3 million was required to develop and implement the preparedness plans associated with the virulent strain of avian influenza known as A(H5N1), with its potential for a human influenza pandemic in order to ensure that

the United Nations was ready for such a pandemic. Those requirements were used to address the integration of business continuity planning within offices in New York and for offices away from Headquarters and regional commissions, as well as the coordination of the preparation and implementation of a staff training plan;

(b) In addition, an amount of $4 million was required to address fire safety deficiencies identified in the Secretariat building by the New York City Fire Department. Of this amount, $500,000 was absorbed from within section 32, Construction, alteration, improvement and major maintenance, of the budget. The concurrence of the Advisory Committee on Administrative and Budgetary Questions was sought to fund the remaining $3.5 million under the limited discretion authority, in accordance with paragraph 8 (g), section III, of resolution 60/283.

10. The related redeployment of amounts utilized to address the avian flu pandemic preparedness and fire safety deficiencies at Headquarters is detailed by budget section in table 1.

Table 1
Use of limited discretion for 2006-2007

	Use of limited discretion for 2006-2007	
Budget section	*Influenza pandemic*	*Fire code compliance*
17. Economic and social development in Africa	23.1	—
18. Economic and social development in Asia and the Pacific	93.8	—
20. Economic and social development in Latin America and the Caribbean	359.2	—
21. Economic and social development in Western Asia	57.0	—
27. Public information	92.5	(3 500.0)
28A. Office of the Under-Secretary-General for Management	398.1	—
28C. Office of Human Resources Management	956.9	—
28D. Office of Central Support Services	1 603.8	—
28E. Administration, Geneva	557.4	—
28F. Administration, Vienna	530.0	—
28G. Administration, Nairobi	611.6	—
32. Construction, alteration, improvement and major maintenance	—	3 500.0
33. Safety and security	(5 283.4)	—
Total	—	—

11. During the biennium 2008-2009, limited budgetary discretion was utilized in both 2008 and 2009 to address the continued funding of a dedicated project team to maintain the momentum and ensure the progress on major foundation tasks relating to the enterprise resource planning system and for operational preparedness and business continuity in the event of a protracted human influenza pandemic crisis.

The use of the discretion in 2008 was reported in the first performance report of the Secretary-General (A/63/573, paras. 35-43).

12. As regards the use of limited budgetary discretion in 2009, in accordance with the request of the General Assembly, a detailed explanation has been included in the context of the second performance report (A/64/545, paras. 26-36), a summary of which is provided below. The authority has been utilized to address: (a) the continued funding of a dedicated project team to maintain the momentum and ensure the progress on major foundation tasks relating to the enterprise resource planning system; and (b) for operational preparedness and business continuity in a protracted crisis resulting from an influenza pandemic. Those requirements have been met through the utilization of potential savings under posts identified under various sections.

13. As concerns the enterprise resource planning system, in his report the Secretary-General detailed the proposal to implement an enterprise resource planning project for the United Nations (see A/62/510/Rev.1). In its resolution 63/262, the General Assembly approved an amount of $20 million for the project for the biennium 2008-2009 and requested the Secretary-General to meet the regular budget share of requirements for the planning system in the amount of $2,764,000 from the overall resources appropriated for the biennium 2008-2009 for the regular budget and to report the related expenditure, as necessary, in the second performance report for the biennium 2008-2009. Accordingly, the regular budget share of $2,764,000 was accommodated through the use of the authority granted under resolution 60/283.

14. Regarding the business continuity management, including in the event of an influenza pandemic, during the first part of its resumed sixty-third session in March 2009, the General Assembly considered the report of the Secretary-General on revised estimates under various sections of the programme budget for the biennium 2008-2009 relating to business continuity management (A/63/359 and Corr.1). In section III of its resolution 63/268, the Assembly requested the Secretary-General, inter alia, to submit a fully justified proposal for post and non-post resources in relation to the work under way on business continuity management in the context of the proposed programme budget for the biennium 2010-2011. The Assembly did not, however, approve any resources for the biennium 2008-2009 for activities related to business continuity management. As reported in the context of the first performance report for the biennium 2008-2009 (A/63/573, paras. 37-41), coordination of activities and preparedness plans for business continuity, including in the event of a pandemic under way during 2008, were carried out using the discretionary authority granted to the Secretary-General in resolution 60/283. As no appropriation existed in 2009 for the continuation of activities related to business continuity management, including pandemic preparedness, the mechanism under the terms of resolution 60/283 was used for the continuation of those activities. Accordingly, for the biennium an amount of $8,556,100 for the activities was accommodated through the discretionary authority granted to the Secretary-General.

15. The related redeployment of amounts utilized to address the activities funded under the limited discretion during the biennium 2008-2009 overall, by budget section, is detailed in table 2.

Table 2
Use of limited discretion during 2008-2009

(Thousands of United States dollars)

Budget section	*Use of limited discretion*		
	Enterprise resource planning system	*Influenza pandemic*	*Business continuity management*[a]
2. General Assembly and Economic and Social Council affairs and conference management	(1 382.0)	(422.2)	—
5. Peacekeeping operations	—	—	(1 600.0)
9. Economic and social affairs	—	—	(1 500.0)
17. Economic and social development in Africa	—	215.8	(925.8)
20. Economic and social development in Latin America and the Caribbean	—	25.5	—
21. Economic and social development in Western Asia	—	8.3	(800.0)
23. Human rights	—	(2 000.0)	—
27. Public information	(1 382.0)	18.0	—
28A. Office of the Under-Secretary-General for Management	2 329.5	—	—
28C. Office of Human Resources Management	—	232.4	2 132.1
28D. Office of Central Support Services	434.5	1 438.7	465.3
28E. Administration, Geneva	—	21.7	471.4
28F. Administration, Vienna	—	150.3	—
28G. Administration, Nairobi	—	311.5	529.9
33. Safety and security	—	—	418.1
36. Office of Information and Communications Technology	—	—	809.0
Total	—	—	—

[a] It should be noted that an amount of $1,308,100 million borrowed from posts has been redistributed within the same sections, namely section 17, Economic and social development in Africa ($676,100), section 18, Economic and social development in Asia ($86,400), section 20, Economic and social development in Latin America and the Caribbean ($236,000), section 21, Economic and social development in Western Asia ($213,700); and section 28F, Administration, Vienna ($95,900).

16. As outlined above, the use of limited budgetary discretion has been exercised with respect of activities that have or will have ultimate impact on all sections of the budget. Furthermore, the nine principles have been applied, including that in exercising such discretion there has been no change or implications for human resources management policies and the Financial Regulations and Rules of the United Nations, continue to apply in full. Resources for the funding of limited

budgetary discretion are drawn from those sections of the budget which, through analysis, show evidence of delays in the recruitment of staff against the approved staffing table and which have reported underexpenditure against the "posts" category of expenditures. Nevertheless, while the underutilized dollar amount within certain budget sections has been drawn on, programme managers are required to proceed to fill the posts approved by the General Assembly as soon as possible, in accordance with the established recruitment procedures.

C. Continuation of the limited budgetary discretion provision

17. Based on an analysis of the experience over the last two bienniums (2006-2007 and 2008-2009), the Secretary-General has concluded that there is merit in the continuation of the application of limited budgetary discretion and proposes that the General Assembly decide to continue it as an established procedure, with three modifications to the principles.

18. It is proposed that the General Assembly endorse the continuation of the limited discretion provision with an increase in the amount of this discretion up to $30 million for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities.

19. It is further proposed that the provisions be exercised by the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions when the total amount utilized exceeds 10 million dollars per biennium.

20. It is also noted that under the terms of paragraph 8 (e) of section III of resolution 60/283, the limited discretion experiment shall not be implemented in pursuance of General Assembly resolutions calling for the implementation of decisions "within existing resources". While this may be generally applied, it can be noted from the experience over the bienniums 2006-2007 and 2008-2009 that cross-cutting activities of the type described that affect all budget sections are examples of how the limited budgetary discretion can be utilized. It is therefore proposed that paragraph 8 (e) of resolution 60/283 also be modified to reflect such utilization.

III. Conclusions and recommendations

21. As outlined in the present report, the use of the limited budgetary discretion over the last two bienniums has largely centred on organizational management requirements such as influenza pandemic preparedness, fire code compliance and the start-up of the enterprise resource planning system. These activities, it is noted, have a positive impact on all sections of the budget.

22. The experience to date has been a positive one, for which, as reflected above, the Secretary-General sees merit in continuing in a slightly modified form.

23. In this connection, the General Assembly is requested to:

(a) Approve the continuation of the limited discretion provision as an established procedure, with the following modifications:

(i) Paragraph 6 of section III of General Assembly resolution 60/283 would read:

"*Decides* to authorize the Secretary-General a limited discretion for budgetary implementation for each biennium, to enter into commitments up to 30 million United States dollars for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities"

(ii) Subparagraph 8 (e) of section III of resolution 60/283 would read:

"The limited discretion shall not be implemented in pursuance of General Assembly resolutions calling for the implementation of decisions 'within existing resources' except in cases where activities are of a cross-cutting nature, affecting the majority of budget sections"

(iii) Subparagraph 8 (g) of section III of resolution 60/283 would read:

"The utilization of authorization shall be exercised with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions when the total amount utilized exceeds 10 million dollars per biennium"

(b) Request the Secretary-General to continue to report to the General Assembly, through the Advisory Committee, in the context of the performance reports, on the utilization of all commitments made within the context of the limited discretion procedure, together with the circumstances relating thereto, as well as the impact on programme delivery and the ability to meet the evolving needs of the Organization.

Annex

Modalities for the Secretary-General's limited discretion for budgetary implementation

1. The General Assembly, by its resolution 60/283, authorized a limited discretion for the Secretary-General in budgetary implementation on an experimental basis for the bienniums 2006-2007 and 2008-2009.

2. The discretion consists of authority for the Secretary-General to enter into commitments up to 20 million United States dollars ($) in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities. It should be noted that discretion is limited to $6 million under the authority of the Secretary-General and that any amounts in excess of this level require submission to and approval by the Advisory Committee on Administrative and Budgetary Questions.

3. It should also be noted that the application of limited budgetary discretion does not involve the use of new funds made available (no new appropriation) by the General Assembly but rather requires the redistribution of resources from "potential" savings during implementation of the programme budget as a whole.

4. It will be noted that there are existing arrangements and processes for flexibility within budget sections to accommodate various needs during programme implementation. There will be cases, however, where discretion would be needed across budget sections. It is this latter instance in which the budgetary discretion provided for under resolution 60/283 is intended to address.

Accountability, transparency and reporting

5. In accordance with the request of the General Assembly for full accountability and transparency, clear records of requests and reporting on the application of limited budgetary discretion will be necessary.

6. In this connection, as is currently the process followed for actions taken under the provisions of the General Assembly resolution on unforeseen and extraordinary expenses, requests for the application of limited budgetary discretion would mirror those procedures — accordingly:

(a) Requests would be submitted to the Executive Office of the Secretary-General and, as it deems necessary, to the Management and/or Policy Committees, for overarching policy consideration and approval in principal. Such requests would address the criteria detailed in paragraph 7 below;

(b) Detailed resource submissions would be submitted to the Controller for review following established budgetary procedures and to ensure availability of funding and preparation of relevant exchange of letters with the Secretary-General for his/her approval on the use of the funds and flexibility;

(c) Full reporting on the implementation of limited budgetary discretion would be submitted to the General Assembly in the context of the first and second performance reports.

Criteria for application of limited budgetary discretion

(Criteria that apply to the evolving needs of the Organization)

7. Proposals for the use of limited budgetary discretion should be formulated taking into account the criteria outlined in subparagraphs (a) to (e) below. In addition, the proposals should clearly indicate resource requirements and whether such requirements are of a one-time nature (specific to the present biennium) or of a continuing nature which would spill over into the following biennium. Requirements of a continuing nature will need to be addressed through inclusion in budget proposals for subsequent periods. It should be noted that in determining what may be an evolving need of the Organization for which funding is to be made available, it shall not be implemented in pursuance of General Assembly resolutions calling for the implementation of decisions "within existing resources" (see resolution 60/283, sect. III, para. 8 (c)):

(a) Is it mandated, justified, and reportable? How effectively will the proposed activity to be funded from the arrangement promote the strategic priorities of the Organization? Is there a link to priorities, objectives, accomplishments or mandates? Has this proposal or a similar proposal been previously reviewed and not supported by an intergovernmental body or the Advisory Committee on Administrative and Budgetary Questions? What is the expected outcome? Is it time limited?

(b) Is it a need that has evolved since the preparation and adoption of the current programme budget? To what extent do currently approved plans and budgets already provide for this proposal? To what extent does the proposed activity provide new approaches, creative and innovative concepts or strategies to achieve mandated objectives? Does the proposed activity involve cross-organizational collaboration among programmes? Does the proposal contribute, together with other initiatives, to ensuring a balanced focus on priorities across programmes or parts of the budget?

(c) Is it underresourced? What is the status of overall resources already available and allotted at the programme level? Is the proposal more appropriately funded under extrabudgetary or other funding sources? Is the proposal more appropriately funded under provisions for unforeseen and extraordinary expenses for peace and security?

United Nations A/64/563–S/2009/635

General Assembly
Security Council

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General Assembly
Sixty-fourth session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 16 to 30 November 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

09-64473 (E) 151209 151209

Please recycle

Annex to the identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 16 to 30 November 2009

Air violations

On 16 November 2009, between 0700 and 1135 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north as far as Beirut and circled over Beirut and the southern regions before leaving over Alma al-Sha'b.

On 18 November 2009:

- Between 0915 and 1515 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It proceeded north and circled over all Lebanese regions before leaving over Rumaysh;
- Between 1322 and 1500 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They proceeded north as far as Tripoli before leaving over Alma al-Sha'b.

On 19 November 2009:

- Between 0720 and 1505 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the southern regions before leaving over Naqurah;
- Between 0820 and 1630 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Beirut, Riyaq and Baalbek before leaving over Rumaysh.

On 20 November 2009:

- Between 1030 and 1100 hours, eight Israeli enemy warplanes violated Lebanese airspace as follows: six entered over Naqurah and two entered over Alma al-Sha'b. They proceeded north-east as far as Hirmil and circled over all Lebanese regions. Two of the warplanes left over Naqurah and the remaining six over the sea off Naqurah;
- Between 1035 and 1055 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Juniyah. They proceeded east as far as Hirmil and circled over all Lebanese regions before leaving over the sea off Naqurah;
- Between 1107 and 1128 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They proceeded north as far as Shikka before heading south and leaving over Alma al-Sha'b;
- Between 0730 and 1900 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north and circled over the South before leaving over Naqurah.

On 21 November 2009, between 0710 and 1900 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the southern regions before leaving over Naqurah.

On 22 November 2009:

- Between 0705 and 1025 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq and Baalbek before leaving over Rumaysh;
- Between 1105 and 1115 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Shikka. They proceeded south over the sea to a point five miles off Jubayl before heading in the direction of Turkey.

On 23 November 2009:

- Between 1015 and 1145 hours, six Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They proceeded north and circled over all Lebanese regions before leaving over Alma al-Sha'b;
- Between 0915 and 1730 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving over Alma al-Sha'b.

On 24 November 2009:

- Between 0710 and 1035 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north and circled over the southern region and then between Beirut and the South before leaving over the sea off Naqurah;
- Between 0745 and 1040 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It proceeded north and circled over the southern region and then between Beirut and the South before leaving over the sea off Naqurah;
- Between 1030 and 1120 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Shikka. They proceeded east and circled over all Lebanese regions before leaving over Rumaysh.

On 26 November 2009:

- Between 0703 and 1005 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It proceeded north as far as eastern Sidon. It then circled over the South before leaving over Rumaysh;
- At 0703 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north as far as Nabatiyah and circled over the South before leaving over Rumaysh on 27 November 2009 at 0325 hours.

On 27 November 2009:

- Between 0930 and 1700 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north and circled over the southern region before leaving over Alma al-Sha'b.

On 28 November 2009, between 0710 and 1320 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the southern regions before leaving over Alma al-Sha'b.

On 29 November 2009, between 0710 and 2335 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north and circled over the South before leaving over Naqurah.

On 30 November 2009, between 0700 and 1500 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It proceeded north and circled over the southern regions before leaving over Rumaysh.

Land violations

On 16 November 2009:

- At 1730 hours, the Israeli enemy directed a searchlight for three seconds from its position at the Zar'it barracks towards the Tarbikha gate;
- At 1743 hours, the Israeli enemy directed a searchlight for 25 seconds from its position at the Zar'it barracks towards the Lebanese Army position in Jabal Balat;
- At 2005 hours, the Israeli enemy directed a searchlight for 10 seconds from its position at the Zar'it barracks towards the 613th Company command post in Jabal Balat and the Lebanese Army roadblock at Tarbikha.

On 17 November 2009, at 1830 hours, the Israeli enemy directed a searchlight for five seconds from its position at the Zar'it barracks towards the 613th Company command post in Jabal Balat and the Lebanese Army roadblock at Tarbikha.

On 21 November 2009, at 2000 hours, from within the occupied Palestinian territory opposite Fatimah Gate, the members of an Israeli enemy patrol, consisting of an M113 armoured personnel carrier and two jeeps, hurled insults at persons passing a Lebanese Army sentry. The patrol then departed.

On 23 November 2009:

- At 1145 hours, from within the occupied Palestinian territory opposite the Kafr Killa crossing point, an Israeli enemy patrol hurled insults in Arabic at a Lebanese Army sentry;
- Between 1147 and 1600 hours, a number of phone calls originating from abroad were received on civilian landline phones. The calls, which were made by the Israeli enemy, stated that $10 million would be paid to anyone who provided information regarding the Israeli soldiers missing in Lebanon.

On 24 November 2009, at 1000 hours, a number of phone calls originating from abroad were received on civilian landline phones. The calls, which were made by the Israeli enemy, stated that $10 million would be paid to anyone who provided information regarding the Israeli pilot missing in Lebanon.

On 25 November 2009, at 1600 hours, a number of phone calls originating from abroad were received on civilian landline phones. The calls, which were made by the Israeli enemy, stated that $10 million would be paid to anyone who provided information regarding the Israeli soldiers missing in Lebanon.

On 27 November 2009, between 0700 and 1100 hours, a number of phone calls originating from abroad were received on civilian landline phones. The calls, which were made by the Israeli enemy, stated that $10 million would be paid to anyone who provided information regarding the Israeli soldiers missing in Lebanon.

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Security Council
Sixty-fourth year

Identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel by air, sea and land during the month of November 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(Signed) Caroline **Ziade**
Chargé d'affaires a.i.

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Annex to the identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during November 2009

Air violations					*Land violations*					
Military jet	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Violation of territorial waters, and firing of automatic weapons, flares and flare shells over territorial waters	Artillery shelling, detonation of explosives, listening devices	Shining of searchlights, inappropriate gestures, interference in telephone network	Setting up of installations inside Lebanese territory			
11	30	—	41	4	—	17	—	17	62	65